



Re: [EXTERNAL] Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\No. 42

From Trent, Erica L <etrent@osmre.gov>

Date Tue 11/4/2025 2:19 PM

To Emmer, Jonathan W. <jemmer@nd.gov>

Cc Johnson, Monty L. <moljohnson@nd.gov>; Myran, Brandon S. <bmyran@nd.gov>; Welch, Guy A. <gwelch@nd.gov>; Aslakson, Christine M. <cmaslakson@nd.gov>

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Good afternoon Jonathan,

A mining plan approval from the Assistant Secretary of Land and Minerals Management is *not required* for the revision for the Falkirk Mining Company's Falkirk Mine Revision No.42 to Permit NAFK-8705.

Determination Criteria and Decision:

Based on OSMRE's review of the materials submitted OSMRE has determined that the proposed amendment does *not* constitute a mining plan modification requiring approval by the ASLM. The OSMRE has considered the criteria described in the Federal regulations at 30 CFR 746.18(d)(1) through (d)(6) defining when a permit revision constitutes a mining plan modification:

1. There is no change in the mining plan that would affect the conditions of its approval pursuant to Federal law or regulation. See 30 C.F.R. Part 746.18(d)(1).
2. No change would occur that would affect the level of protection to land, facilities and places designated unsuitable for mining because the area is designated as suitable for mining. See 30 C.F.R. Part 746.18(d)(2).
3. There is no change in the amount of coal to be mined on a Federal coal tract. See C.F.R. Part 746.18(d)(3).
4. The significant revision would not extend mining and reclamation activities onto leased Federal coal for the first time. See 30 C.F.R. Part 746.18(d)(4).
5. This revision does not meet OSMRE's standards (516 DM 13.4) of a major Federal action normally requiring an Environmental Impact Statement. See 30 C.F.R. Part 746.18(d)(5).
6. There is no change proposed to the mining operations and reclamation plan that would result in a change to the post mining land use of Federally owned surface land. See 30 C.F.R. § 746.18(d)(6).

Therefore, a mining plan approval from the Assistant Secretary of Land and Minerals Management is *not* required for the Falkirk Revision No. 42, Permit NAFK-8705. The OSMRE's decision is based upon consideration of the requirements at 30 C.F.R. § Parts 740 and 746.

Consultation:

On September 25, 2025, OSMRE consulted with the Bureau of Land Management (BLM) about the proposed action. The BLM agrees with OSMRE's reasoning that the permit revision does not constitute a mining plan modification requiring approval by the ASLM. The OSMRE's decision does not relieve PSC from any further coordination with other Federal agencies for compliance as necessary.

Consequently, OSMRE's decision does not relieve PSC from coordinating its review and approval of this action and securing approval from other Federal agencies for compliance.

Thank you for the opportunity to review the action and the conversation we had; your time is greatly appreciated.

Erica Trent

Natural Resource Specialist
Office of Surface Mining Reclamation and Enforcement
Department of the Interior, Regions 5, 7-11

Mailing Address:

PO Box 25065
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303-236-6041
etrent@osmre.gov



From: Emmer, Jonathan W. <jemmer@nd.gov>
Sent: Monday, August 11, 2025 9:35 AM
To: Trent, Erica L <etrent@osmre.gov>
Cc: Johnson, Monty L. <moljohnson@nd.gov>; Myran, Brandon S. <bmyran@nd.gov>; Welch, Guy A. <gwelch@nd.gov>; Aslakson, Christine M. <cmaslakson@nd.gov>
Subject: Re: [EXTERNAL] Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\No. 42

Good Morning,

Falkirk is proposing post-mine land use and topography changes, assuming that they receive the federal coal lease and then federal mine plan approval, above the federal coal but the surface is privately owned. Falkirk is also depicting a haul road above the federal coal in the SE ¼ of Section 24, T146N, R83W.

I will be leaving the office shortly for the Western States Meeting, but you can contact Monty Johnson if you have any more questions.

Jonathan Emmer
Director Reclamation & AML Divisions
North Dakota Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck, ND 58505

jemmer@nd.gov 701.328.4094

From: Aslakson, Christine M. <cmaslakson@nd.gov>
Sent: Monday, August 11, 2025 10:14 AM
To: Emmer, Jonathan W. <jemmer@nd.gov>
Subject: FW: [EXTERNAL] Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\No. 42

Jonathan,

Please see Ms. Trent's questions below.

Thank you,

Christine Aslakson

Administrative Assistant

North Dakota Public Service Commission

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From: Trent, Erica L <etrent@osmre.gov>
Sent: Monday, August 11, 2025 10:12 AM
To: Aslakson, Christine M. <cmaslakson@nd.gov>
Subject: Re: [EXTERNAL] Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\No. 42

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Good morning Christine,

Thank you for the email. After reading through the letter I am hoping you can answer a few questions about NAFK-8705 since I don't have the flash drive yet.

Does the post-mining land use change mentioned in the first paragraph happen on Federal Lands?

Can you tell me more about the associated disturbance planned for the unleased federal coal in SE ¼ of Section 24, T146N, R83W?

Thank you.

Erica Trent

Natural Resource Specialist
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From: Aslakson, Christine M. <cmaslakson@nd.gov>

Sent: Friday, August 8, 2025 10:16 AM

To: Trent, Erica L <etrent@osmre.gov>

Cc: Calle, Marcelo <mcalle@osmre.gov>; Emmer, Jonathan W. <jemmer@nd.gov>; Johnson, Monty L. <moljohnson@nd.gov>; Myran, Brandon S. <bmyran@nd.gov>; Roerick, Jeffrey A. <jroerick@nd.gov>; Ripplinger, Preston <priplinger@nd.gov>; DeVries, Taylor L. <taldevries@nd.gov>; Swenson, Warren <swensonwarren@nd.gov>

Subject: [EXTERNAL] Falkirk Mine\Permits\NAFK - 8705\Revisions & Renewals\No. 42

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